

CRM-M-28966-2021

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-28966-2021

Date of decision: 16.05.2022

Vishal

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. D.P.S.Bajwa, Advocate,
for the petitioner.

Mr. Surender Singh, AAG, Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Through this second petition, the petitioner seeks regular bail in cross-version bearing Diary No.220-dasti dated 18.06.2020, in FIR No.249 dated 15.06.2020, registered at Police Station Kurukshetra University, Kurukshetra, under Sections 363, 366-A and 506 IPC, Section 4 of the Protection of Children from Sexual Offence Act, 2012 (for brevity, 'POCSO Act'), and Sections 370, 370-A, 384 and 389 IPC and Section 6 of POCSO Act (added later on) (Section 4 of the POCSO Act deleted later on).

Status report dated 16.05.2022, by way of affidavit of the Deputy Superintendent of Police, Kurukshetra, filed in the Court today, is taken on record.

Learned counsel for the petitioner submits that initially, the FIR was got registered by Suresh Kumar against one Mam Chand @ Dhola,

CRM-M-28966-2021

whereas cross-version had been registered against the petitioner and other co-accused, on the application moved by Ravi; that allegations against the petitioner are that an amount of Rs.2,50,000/- through RTGS, had been transferred in the account of the petitioner.

Learned counsel further contends that complainant-Ravi while appearing before the trial Court as PW 3 on 20.08.2021, stated that in CD (Ex.P5), he and his father-Mamchand were not visible while giving money; that even the mobile phone of Krishan Kumar, from which the said video was made, had not been handed over to the police by him, and that the petitioner was not visible in CD (Ex.P-5). On this premise, the learned counsel prays that the petitioner be released on bail.

On the other hand, learned State counsel, while opposing the aforesaid submissions of the learned counsel for the petitioner, submits that the petitioner alongwith co-accused had actively participated in the crime; that PW 3 Ravi specifically stated in his examination-in-chief that some amount through RTGS, had been transferred in the account of the petitioner. It is also stated that some prosecution witnesses are yet to be examined. Moreover, it is a second petition on behalf of the petitioner and his first petition was dismissed on merit by this Court, vide order dated 11.11.2020 passed in CRM-M-35633-2020.

I have heard the learned counsel for the parties.

Complainant-Ravi while appearing into the witness-box as PW 3, stated that the petitioner was not visible in CD (Ex.P-5), and that even the mobile phone of Krishan Kumar from which the said video was made, had not been handed over to the police by him.

CRM-M-28966-2021

The petitioner has been in custody since 05.08.2020. Some prosecution witnesses are yet to be examined. Trial is unlikely to conclude any time soon. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

16.05.2022

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No